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FEDERAL COMMUNICATIONS COMMISSION  
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JUN 11 2003

In the Matter of

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Amendment of Section 73.202(b) )  
Table of Allotments ) MB Docket No. \_\_\_\_\_  
FM Broadcast Stations ) RM - \_\_\_\_\_  
(Yuba City and Lincoln, California) )

To: Chief, Audio Division  
Media Bureau

**PETITION FOR RULE MAKING**

Harlan Communications, Inc. ("HCI"), licensee of Station KXCL(FM), Yuba City, California, by its counsel, and pursuant to Section 1.401 of the Commission's Rules, hereby requests that the Commission amend the FM Table of Allotments to delete Channel 280B1 at Yuba City, California, allot Channel 280A to Lincoln, California as that community's first local service, and modify the license of KXCL to reflect operation on Channel 280A at Lincoln, California. If this Petition is granted, HCI will file an application for Channel 280A at Lincoln and will construct the authorized facilities if its application is granted.

**A. Technical Analysis**

1. As demonstrated in the Engineering Statement, Channel 280A can be allotted to Lincoln, California at coordinates 38-54-31 North Latitude, 121-23-09 West Longitude consistent with Section 73.207 of the Commission's Rules. See Exhibit E, Figure 1. A Class A 70 dBu signal can be provided to Lincoln from the proposed reference point. See Exhibit E, Figure 2. The relocation of KXCL to Lincoln will result in a net gain in population of 319,300 persons within the 70 dBu signal from the station. See Exhibit E, Figure 3. No underserved

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areas will exist as a result of the deletion of Channel 280B1 from Yuba City. *See* Exhibit E, Figure 4. The majority of the loss area will continue to enjoy at least five local services with a small portion receiving four local services. This is consistent with other reallocations granted by the Commission. *See Scappoose and Tillamook, Oregon*, 15 FCC Rcd 10899 (2000); *Detroit Lakes and Barnesville, Minnesota*, 16 FCC Rcd 22581 (2001); *Earle, Arkansas, et al.*, 10 FCC Rcd 8270 (1995).

## **B. Change in Community of License**

2. HCI desires to change the community of license of Station KXCL from Yuba City to Lincoln under the guidelines set forth in *Amendment of the Commission's Rules Regarding Modification of FM and TV Authorizations to Specify a New Community of License*, 4 FCC Rcd 3870 (1989), *recon. granted in part*, 5 FCC Rcd 7094 (1990) ("*Community of License*"). There, the Commission stated that a station may change its community of license without subjecting the license to other expressions of interest if (1) the proposed allotment is mutually exclusive with the current allotment; (2) the current community of license will not be deprived of its only local service; and (3) the proposed arrangement of allotments is preferred under the Commission's allotment priorities. These criteria are met here. First, the proposed use of Channel 280A at Lincoln is mutually exclusive with the current use of Channel 280B1 at Yuba City. *See* Exhibit E, Figure 1. Second, Yuba City will not be deprived of its only local service because it will continue to be served by Stations KOBO(AM) and KUBA(AM). Third, the provision of a first local service at Lincoln (population 11,205)<sup>1</sup> under Priority 3 will result in a preferential arrangement of allotments over the retention of a third local service at Yuba City (population 36,758) under Priority 4 *See Revision of FM Assignment Policies and Procedures*, 90 FCC 2d 88 (1982).

3. Lincoln is not located in an Urbanized Area and the proposed 70 dBu contour of KXCL will cover less than 50% of any Urbanized Area, thus avoiding any concern with the relocation of stations from rural to urbanized areas. *See Headland, Alabama and Chattahoochee, Florida*, 10 FCC Rcd 10352 (1955).

4. The City of Lincoln is located in the northernmost region of South Placer County near the Sierra Foothills, and offers its residents a small town atmosphere. Incorporated in 1890, Lincoln was named after real estate magnate Charles Lincoln Wilson. According to the 2000 U.S. Census, the population of Lincoln was 11,205. The U.S. Post Office associates ZIP code 95648 with Lincoln, and operates a U.S. Post Office there. Lincoln is governed by a five member City Council, which oversees City operations and guides future city development. The City Manager carries out the policies and programs of Lincoln as directed by the City Council. All City services are under the direction of the City Manager. Lincoln provides its own police and fire services. The Lincoln Police and Fire Departments fall under the jurisdiction of the City Manager's office. Residents worship at a variety of churches, including Church of the Nazarene, Heritage Church, Mt. Pleasant Baptist Church, St. Joseph Catholic Church, and Victory Chapel. Lincoln Christian Life Center is also a part of the community. See Exhibit 1.

5. Additionally, Lincoln is home to many businesses and commercial establishments. A number of these businesses identify with the community by using "Lincoln" as part of their name, for example: Lincoln Automotive Center; Lincoln Chinese Restaurant; Lincoln Florist & Gifts; Lincoln Ice & Beverage Company; Lincoln Messenger; Lincoln Septic Tanks; and Lincoln Travel & Cruise. There are numerous other local businesses. Among the civic associations located in Lincoln are the Woman's Club of Lincoln, the Lincoln Chamber of Commerce, the Lincoln Volunteer Center, and MOMS Club of Lincoln. The Lincoln City

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<sup>1</sup> All populations taken from U.S. Census Bureau's 2000 census figures.

Library, constructed with clay block from Lincoln's Gladding McBean Clay Factory, opened its doors on September 1, 1909. The library houses approximately 16,000 volumes, and is used by 4,000 cardholders. The library is open Monday, Wednesday and Friday from 10:00 a.m. to 5:00 p.m. as well as Tuesday and Thursday from 12:30 p.m. to 7:00 p.m. Lincoln also boasts a local newspaper, the Lincoln News Messenger, which is published weekly. The Lincoln Regional Airport, the largest airport in Placer County, is a regional center for general and corporate aviation, and falls under the jurisdiction of the Lincoln Department of Public Works. See Exhibit 1.

6. If this Petition is granted, HCI will file an application for Channel 280A at Lincoln and expeditiously construct the facilities.

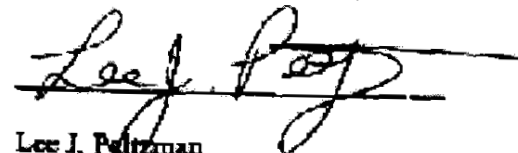
## **II. CONCLUSION**

Grant of this petition is in the public interest because Lincoln, California will receive its first local service, with a net gain in population served of more than 300,000 persons. HCI reiterates that if the Commission grants this petition, it will file an application and construct the authorized facilities. The Commission should promptly issue a Notice of Proposed Rule Making as described herein.

Respectfully submitted,

HARLAN COMMUNICATIONS, INC.

By:



Lee J. Peltzman  
Shalnis & Peltzman, Chartered  
1850 M Street, NW  
Suite 240  
Washington, DC 20036  
(202) 293-0011

Its Counsel

June 11, 2003

**Engineering Statement  
In Support of a  
Petition for Rule Making  
KXCL, Channel 280A, Lincoln, California**

**General**

Harlan Communications, Inc. hereby petitions the Commission to delete the allocation of channel 280B1 at Yuba City, California and allocate channel 280A to Lincoln, California as that community's first local service.

The Table of Allotments would be amended as follows:

<u>City</u>	<u>Current</u>	<u>Proposed</u>
Yuba City, CA <sup>1</sup>	280B1	-----
Lincoln, CA	-----	280A

**Exhibits Explained**

In order to allocate channel 280A at Lincoln, a fully spaced site that provides coverage to 100% of Lincoln is necessary. Exhibit E, Figure 1 is an allocation study showing that the proposed allocation is fully spaced to all other facilities.

Exhibit E, Figure 2 is a map showing that the proposed class A 70 dBu contour from the allocation site over 100% of Lincoln. Exhibit E, Figure 3 is a gain/loss study map. This map demonstrates that channel 280A at Lincoln will provide a net population increase to 319,300 persons.

Exhibit E, Figure 4 is a remaining services study. This exhibit shows that no gray or white areas will exist as a result of the deletion of channel 280B1 at Yuba City. Please note that on this exhibit the 0.5 mV/m daytime contours for KNBR, KGO, and KFBK are off the map, yet they encompass the entire loss area.

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<sup>1</sup> Yuba City, CA will continue to be served by KOBQ(AM), 1450 kHz, and KUBA(AM), 1600 kHz.

### **Conclusion**

Lincoln, California (population 11,205<sup>2</sup>) will be provided with a first local service as a result of this proposed rule making. The loss area is not underserved, and the net population gain is over 300,000 persons.

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<sup>2</sup> According to the US Census Bureau's 2000 census figures.

### **Statement of the Consultants**

The instant engineering portion of a counterproposal was prepared for Harlan Communications, Inc. ("Harlan") and supports a petition for rule making. It was developed by Reynolds Technical Associates (RTA) and may not be used for purposes other than submission to the Commission by Harlan.

It may not be reproduced in its entirety, or in part, by anyone (other than from the Commission) without the written consent of RTA.

It is prepared for Harlan under contractual agreement, and its certification by RTA is used accordingly. If Harlan fails in its contractual obligation, RTA reserves the right to withdraw its certification.

The information in this application is compiled from the most recent Commission and outside data. RTA is not responsible for errors resulting from incorrect data or unpublished rule and procedure changes.

For RTA:

  
\_\_\_\_\_  
Lee S. Reynolds

May 13<sup>th</sup>, 2003

12585 Old Highway 280 East, Suite 102  
Chelsea, Alabama 35043  
(205) 618-2020



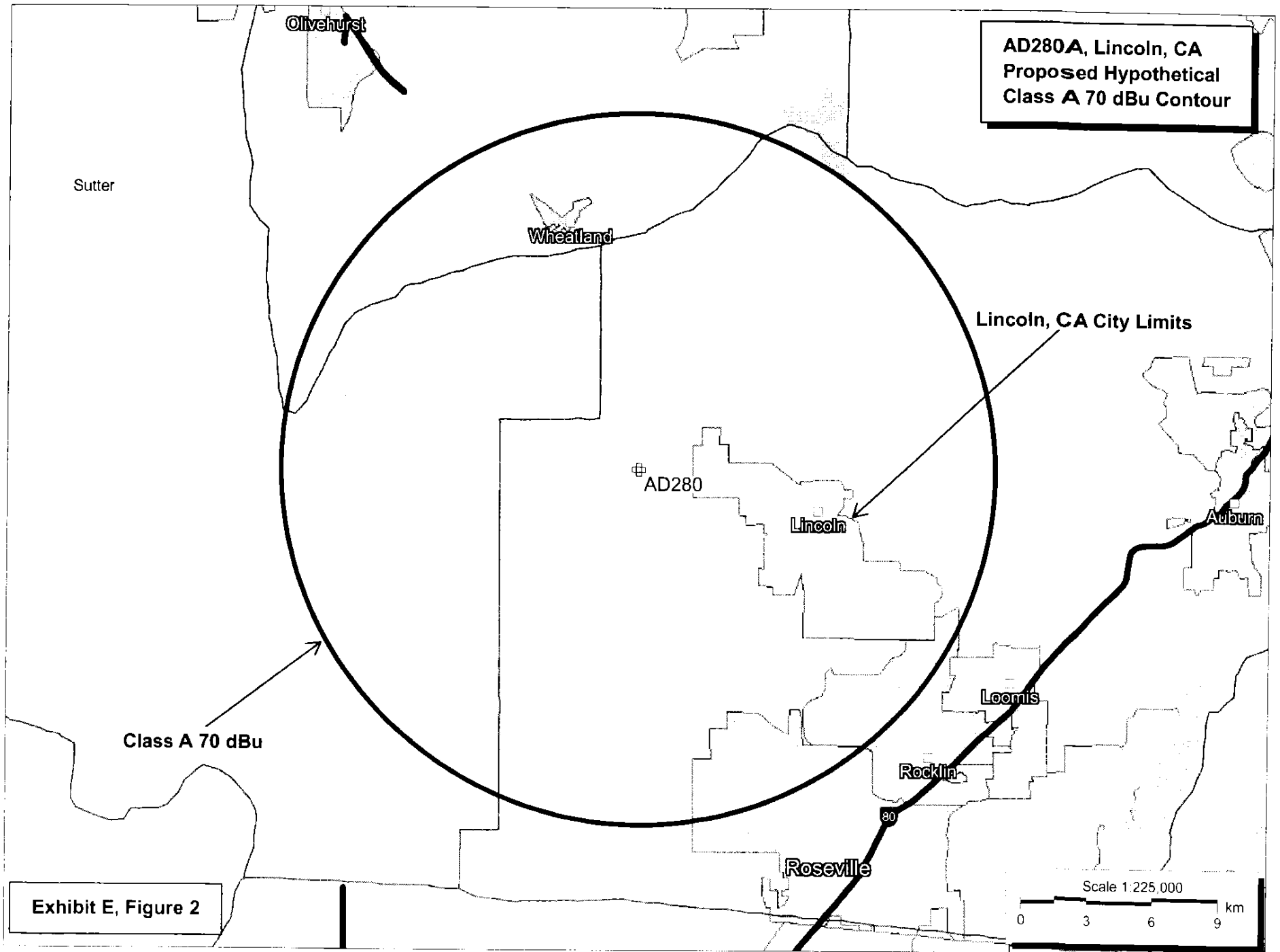


**Engineering Statement  
In Support of a  
Petition for Rule Making**

**Channel 280A (KXCL), Lincoln, California**

**Channel 280A at Lincoln Allocation Study**

REFERENCE				DISPLAY DATES		
38 54 31 N				CLASS = A		
121 23 09 W				Current Spacings		
----- Channel 280 - 103.9 MHz -----				DATA 04-24-03		
				SEARCH 05-13-03		
Call	Channel	Location	Dist	Azi	FCC	Margin
-----						
	<b>Community of Lincoln</b>		<b>CA</b>	<b>8.37</b>	<b>103.2</b>	
	Reference Coordinates:					
	North Latitude: 38-53-29					
	West Longitude: 121-17-31					
<b>KXCL</b>	<b>APP 280B1</b>	<b>Yuba City</b>	<b>CA</b>	<b>6.64</b>	<b>323.1</b>	<b>143.0 -136.36</b>
	Of no concern:					
	Application for KXCL (BPE-20030422ABB)					
<b>KXCL</b>	<b>LIC 280B1</b>	<b>Yuba City</b>	<b>CA</b>	<b>49.95</b>	<b>311.5</b>	<b>143.0 -93.05</b>
	Of no concern:					
	Licensed facility for KXCL					
KODS	LIC 279C1	Carmelien Bay	CA	137.38	70.5	133.0 4.38
KBMB	LIC 278A	Sacramento	CA	38.86	192.1	31.0 7.86
KRRE.C	CP 282A	Davis	CA	40.27	226.1	31.0 9.27
KRRE	LIC 282A	Davis	CA	40.27	226.1	31.0 9.27
970814	CP 277A	Grass Valley	CA	52.19	43.9	31.0 21.19
KEKK	LIC 281B	Modesto	CA	139.63	183.3	113.0 26.63
KDOT	LIC 283C	Reno	NV	137.53	70.4	95.0 42.53
KKSF	LIC 279B	San Francisco	CA	158.35	216.3	113.0 45.35
-----						



Gain Area = 1,985 sq km  
Loss Area = 4,269 sq km  
Pop. Gain = 460,292  
Pop. Loss = 140,992

Channel 280A, Lincoln, CA  
KXCL, Yuba City, CA  
Gain/Loss Study

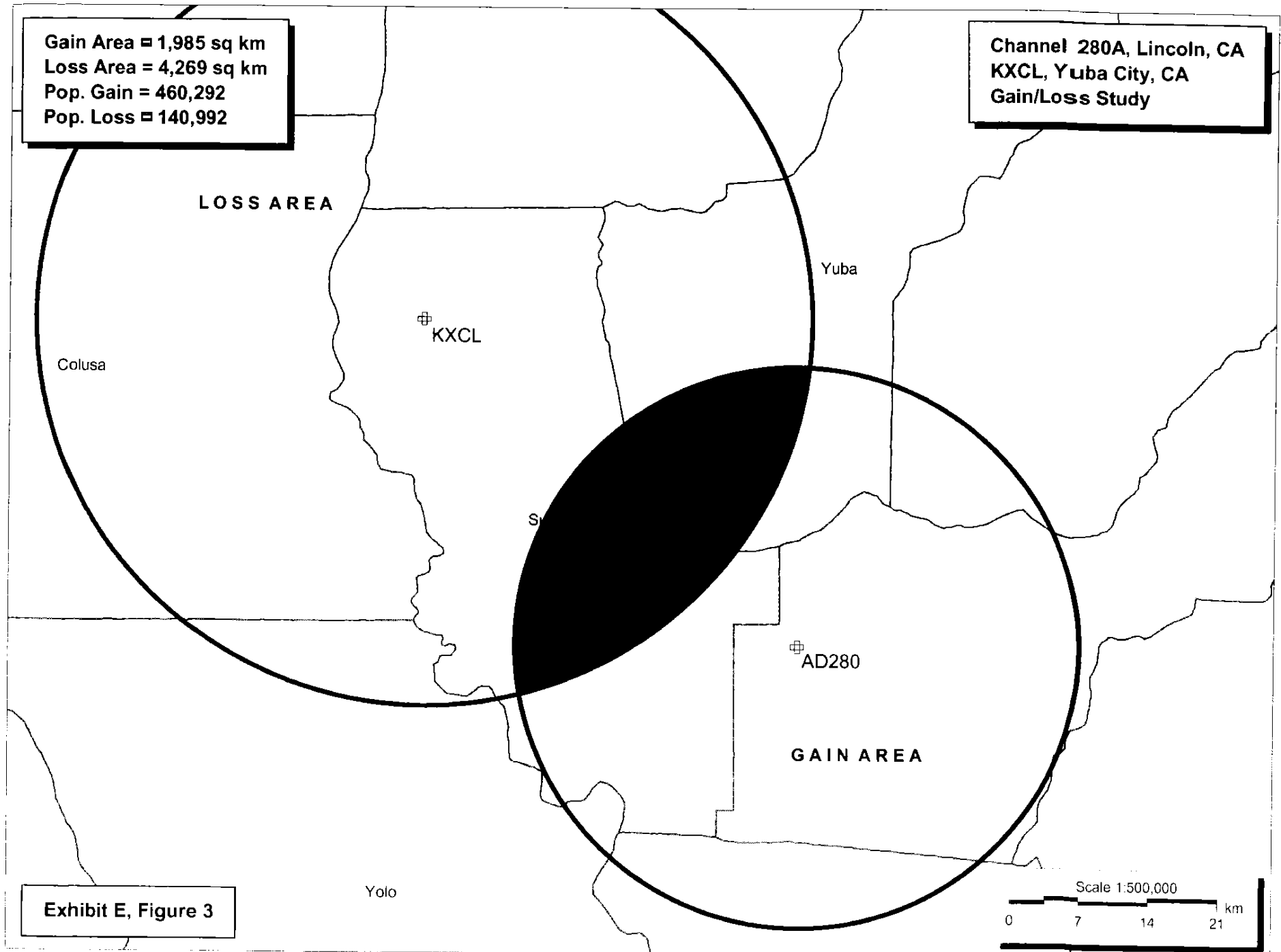


Exhibit E, Figure 3

Note: The 0.5 mV/m contours of KNBR, KGO, and KFBK cover the entire loss area.

AD280A, Lincoln, CA  
KXCL, Yuba City, CA  
Remaining Services Study

LOSS AREA

KCHC

KMXI

KHHZ

KMJE

KDND

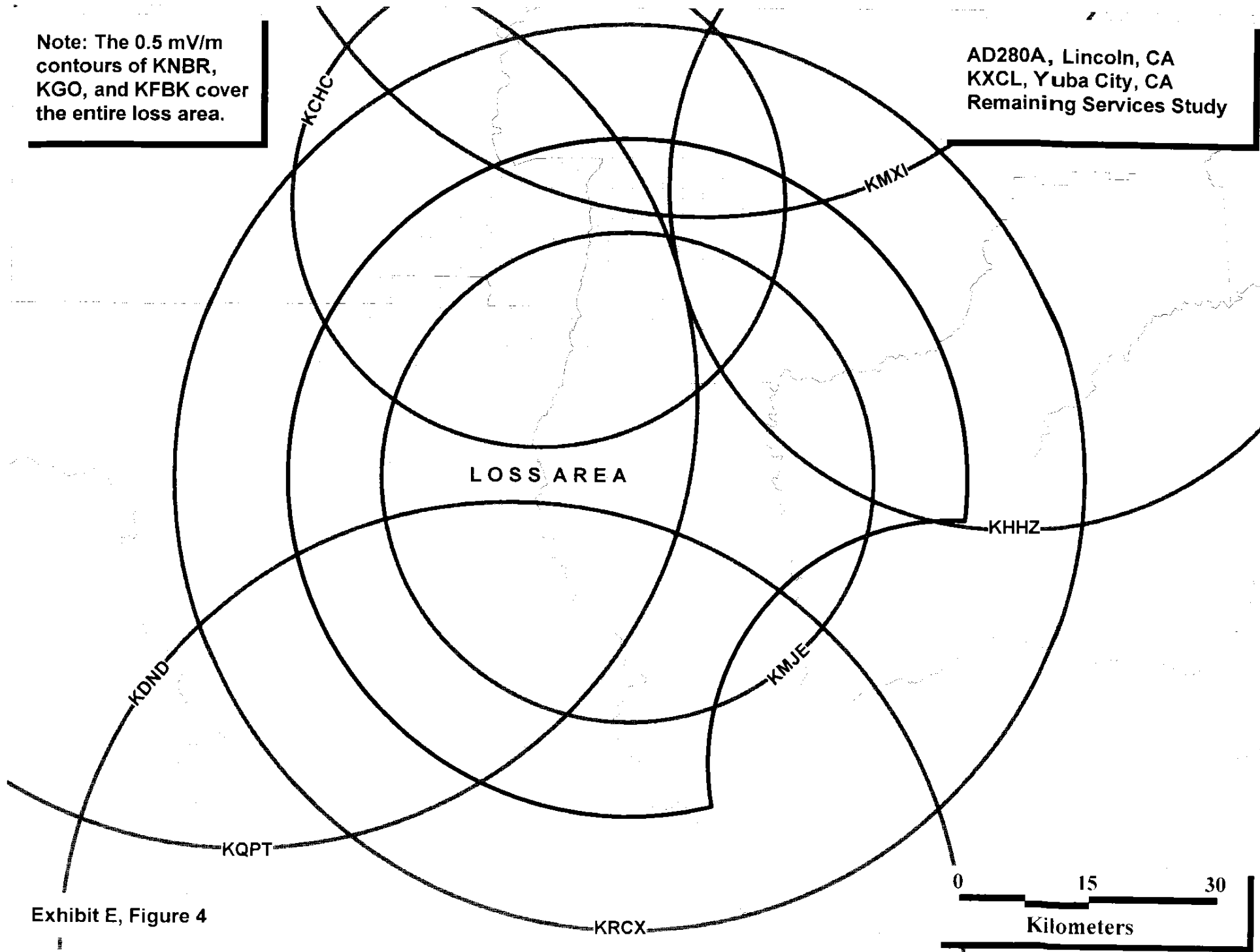
KQPT

KRCX

0 15 30

Kilometers

Exhibit E, Figure 4



## U.S. Census Bureau

American FactFinder

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QT-PL. Race, Hispanic or Latino, and Age: 2000

Data Set: Census 2000 Redistricting Data (Public Law 94-171) Summary File

Geographic Area: **Lincoln city, California**

NOTE: For information on confidentiality protection, nonsampling error, and definitions, see <http://factfinder.census.gov/home/en/datanotes/expplu.html>.

Subject	All ages		18 years and over	
	Number	Percent	Number	Percent
<b>RACE</b>				
<b>Total population</b>	<b>11,205</b>	<b>100.0</b>	<b>7,843</b>	<b>100.0</b>
One race	10,760	96.0	7,613	97.1
White	8,924	79.6	6,408	81.7
Black or African American	49	0.4	31	0.4
American Indian and Alaska Native	141	1.3	106	1.4
Asian	121	1.1	99	1.3
Native Hawaiian and Other Pacific Islander	16	0.1	10	0.1
Some other race	1,509	13.5	959	12.2
Two or more races	445	4.0	230	2.9
<b>HISPANIC OR LATINO AND RACE</b>				
<b>Total population</b>	<b>11,205</b>	<b>100.0</b>	<b>7,843</b>	<b>100.0</b>
Hispanic or Latino (of any race)	2,911	26.0	1,854	23.6
Not Hispanic or Latino	8,294	74.0	5,989	76.4
One race	8,061	71.9	5,863	74.8
White	7,792	69.5	5,657	72.1
Black or African American	42	0.4	27	0.3
American Indian and Alaska Native	95	0.8	72	0.9
Asian	112	1.0	95	1.2
Native Hawaiian and Other Pacific Islander	12	0.1	9	0.1
Some other race	8	0.1	3	0.0
Two or more races	233	2.1	126	1.6

(X) Not applicable

Source: U.S. Census Bureau, Census 2000 Redistricting Data (Public Law 94-171) Summary File, Matrices PL1, PL2, PL3, and PL4.



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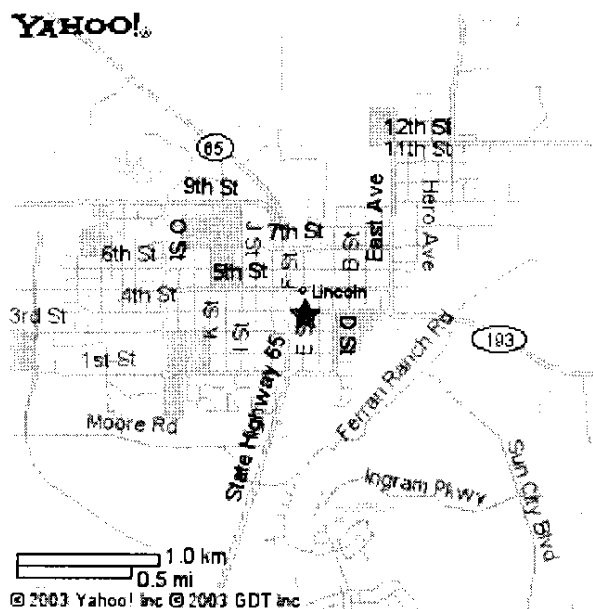
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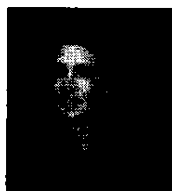
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## Home

### *Message From The Mayor*

Welcome to the City of Lincoln's website! We hope you will visit our quaint and growing community sometime very soon.

Located in the northernmost region of South Placer County, Lincoln offers the best of all worlds. Residents enjoy the 'escape' of the quiet small town atmosphere—affordable housing, sense of community, and a choice between neighborhood or rural living—yet have access to large city amenities and diverse recreational opportunities all within a short drive. Businesses benefit from the less expensive real estate and utility costs while offering employees a quality community base in which to live and work.

Serviced by State Routes 65 and 193, Lincoln is approximately 10 miles northwest of Interstate 80 and just 26 miles from the Sacramento International Airport. In addition, it boasts its own airport within city limits, Lincoln Regional Airport, with a 6,001-foot runway and the capability to accommodate executive jet aircraft.

Incorporated in 1890, Lincoln has a population of 17,700 people. Since its inception, Lincoln has experienced slow but steady growth. With the annexation of the Twelve Bridges Development in 1994 and the development of several large housing projects, Lincoln is poised for rapid growth over the next several years. The Lincoln City Council, aware of residents' desire for a positive balance between growth and quality of life, is committed to the careful planning of future public services and facilities. Already, the Council has approved a public facilities plan that extends through 2010 and allows for possible population growth to 29,000. The ultimate build out of the City will be approximately 60,000. The Council and staff have carefully identified and addressed facility needs to accommodate growth, such as: water, wastewater, drainage, circulation, solid waste, public safety (fire and police services), schools, libraries, parks, and public administration.

Whether a visitor or new resident, I am certain you will enjoy your stay in Lincoln where you are sure to find a friendly face and excellent service everywhere you visit!

Primo Santini  
Mayor

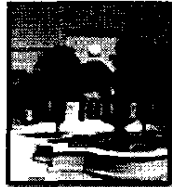



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## Home > The Lincoln Community

### *Historical Lincoln*

Incorporated in 1890, the City of Lincoln is proud of its historic roots to the development of Placer County. The Historic Downtown District stretches from 3rd to 7th Street between G and E Streets. Historic Downtown Lincoln is within the Redevelopment Agency (RDA) of the city.

For more information about the RDA or the City's Revolving Loan Program, which assists business financially through low-interest loans or grants, visit our page on this site or contact the Economic Development Department at Lincoln City Hall at (916) 645-4070, extension 219.

Restaurants, Shopping and Business Professional opportunities abound in the quaint community.

Office and Retail space is available in the Historic Downtown Area. Spaces range from 300 s/f up to 8,000 s/f. Lease space in the downtown region varies depending upon location, tenant improvements and conditional use.

The average downtown space leases between \$.80 to \$1.50 s/f.

To learn more about leasing options or building in our Historic Downtown District, contact the City of Lincoln Economic Development Department at (916) 645-4070, extension 219.

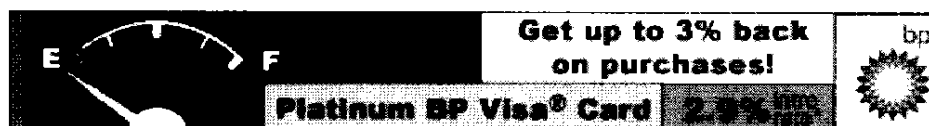
### *Contacts*

Steve Art  
Economic Development Specialist  
City of Lincoln  
640 Fifth Street  
Lincoln, CA 95648  
(916) 645-4070 ext. 219  
(916) 645-8903 fax  
sart@ci.lincoln.ca.us

Lincoln Area Chamber of Commerce  
511 Fifth Street  
Lincoln, CA 95648  
(916) 645-2035  
(916) 645-9455 fax  
Harvi@lincolnchamber.com



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(916) 645-3320640 5th St  
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### *City Clerk*

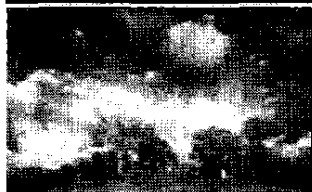
The Lincoln City Clerk is an elected position and serves a four-year term. The City Clerk serves as the Secretary to the City Council. She is responsible for the custodial duties of all City records. The City Clerk prepares and distributes all City Council agendas, minutes, contracts, ordinances, resolutions, proclamations, deeds, easements, and other City legal documents. The City Clerk administers the filing of all Fair Political Practice Commission forms and City elections.

### *Contacts*

Linda Stackpoole  
City Clerk  
640 Fifth Street  
Lincoln, CA 95648  
(916) 645-4070 ext. 215  
(916) 645-8903 fax  
[istackpoole@ci.lincoln.ca.us](mailto:istackpoole@ci.lincoln.ca.us)

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### City Treasurer

The Lincoln City Treasurer is an elected position and serves a four-year term. The City Treasurer is responsible, in conjunction with the City Finance Director, for the effective management of the City's fiscal resources and obligations.

### Contacts

Sheron Watkins  
City Treasurer  
640 Fifth Street  
Lincoln, CA 95648  
(916) 434-9504  
(916) 645-9502 fax  
sheron555@yahoo.com



City of Lincoln

Established August 18, 1890

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Primo Santini, Mayor  
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Pro Tem

Tom Cosgrove,  
Councilmember

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Councilmember

Ray Sprague,  
Councilmember

## Home > Your Local Government > Elected Officials

### Your City Council

The City of Lincoln is a general law city incorporated on August 18th, 1890. The City is governed by the City Council/City Manager form of government. A five-member City Council is elected at large for four-year terms to oversee the City operations and to guide the future development of the City. Councilmember terms are staggered so that a measure of continuity is maintained in the transitions from one Council to the next. The City utilizes a mayoral rotation system in order to determine which Councilmembers shall be chosen to serve as Mayor and Mayor Pro Tem. The City Council also serves as the Board of Directors for the Lincoln Redevelopment Agency and the Lincoln Public Financing Authority.

City Council meetings are held at McBean Park Pavilion, 65 McBean Park Drive, Lincoln. Council meetings are open to the public and residents are encouraged to address the City Council on all matters of importance.

The City Council meets on the second and fourth Tuesday of every month at 6:30 p.m.

Local elections are held the first Tuesday in November of every even-numbered year.

### Contacts

Lincoln City Council  
640 Fifth Street  
Lincoln, CA 95648  
(916) 645-3314  
(916) 645-8903 fax

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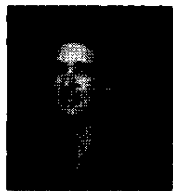
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### ***Primo Santini, Mayor***

Primo Santini is a third generation Lincolnite and graduate of Lincoln schools and Stanford University.

From 1971 to 1983, he lived in Palo Alto going to school and working for Sierra Designs, a manufacturer and retailer of high quality backpacking equipment. Beginning as a part-time sales clerk while in school, he left as the retail division manager. He was responsible for two stores, one in Berkeley and one in Palo Alto, with annual sales of over \$2.5 million. In 1983, he opened a third store in San Jose.

Since 1984, Primo has been an owner of Cornerstone Associates Insurance Services, Inc., a full service independent insurance agency located in Lincoln.

Primo began his term as a councilmember in December of 2000. He is a founding member of the Western Placer Education Foundation (1998), a member and supporter of Lincoln Arts and the Lincoln Area Chamber of Commerce, and has served on the Lincoln Economic Development Committee since its inception in 1988. Primo also serves on the following additional committees: Personnel, Investments, Airport, School, Chamber, Flood Control, Budget and the South Placer Regional Transportation Agency Joint Powers Authority.

### **Contacts**

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### *Spencer Short, Mayor Pro Tem*

Spencer Short was born in Norfolk, Virginia. At the age of 3, his family relocated to Lincoln, his father's hometown, in order to take charge of the family business. Spencer attended school in the Western Placer School District, graduating from Lincoln High School in 1992.

Following graduation, Spencer attended Sierra College while working with his father. By 1996, he had nearly completed a double major in government and economics at California State University while working full time.

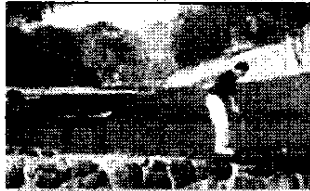
In 1996, he was elected as the Lincoln City Treasurer. By 1997, he had earned his Bachelors degree in Government with a minor in government and additional course work in Criminal Science. In 1999, he received his Masters in Public Administration from Golden Gate University.

In 1998, Spencer began working for the Town of Loomis as Assistant to the Town Manager. In that role, he is responsible for waste hauling contracts and regulations, grant writing, project management duties on \$1.25 million of public works improvements, and other internal service issues. Over the last five years, his role continues to grow and has included responsibility for personnel negotiations, economic development negotiations, acting as primary contact with utility and service providers on major Town projects, and assisting with new development planning and financing arrangements.

In 2000, he was elected to the Lincoln City Council. Spencer serves on the following committees: Police/Fire, Library, Library Building Committee, Redevelopment/CDBG, Water, and the Western Placer Waste Management Authority.

### **Contacts**

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### *Tom Cosgrove, Councilmember*

Tom Cosgrove was born in Sault Ste. Marie, Michigan and was raised in Ypsilanti, Michigan. In 1987 he moved to Lincoln. He holds an Associate of Science degree in Business Management from Sierra College, and was employed at NEC as Line Maintenance Supervisor from 1984 to 2001.

Throughout the years he has been a volunteer fire fighter and has worked on various fundraising activities. Presently, he is on the Placer County Transportation Planning Agency (PCTPA) and Sacramento Area Council of Governments (SACOG).

Cosgrove's tenure as a City Councilmember began in 1994 when he was elected to a two-year term. He was subsequently elected to four-year terms in 1996 and in 2000. His current committee assignments include Redevelopment, Streets, School, Chamber and Regional Economic Development.

### **Contacts**

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### ***Kent Nakata, Councilmember***

Kent Nakata was born and raised in the Bay Area. He is a graduate of San Jose State and worked at Hewlett Packard Company for over 35 years. He relocated to the South Placer region in 1989 and retired to the City of Lincoln in 1999.

Kent is the newest member of the Lincoln City Council. He began his four-year term in December 2002. Kent serves on the Regional Air Quality Board of Directors and the Lincoln Rural MAC. Kent's current committee assignments include Airport, Library, Investments, Lincoln Economic Development Committee, Police/Fire and Sewer.

### ***Contacts***

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